

Remarks/Arguments

Claims 1-29 are pending in the application. By the present amendment, the specification has been amended to correct various clerical mistakes; Figs. 15A and 19 of the drawings have been amended to correct numbering and clerical errors; claims 1 and 18-20 are cancelled without prejudice; and claims 2-17 and 21-29 are amended. In particular, claims 2 and 9 have been rewritten in independent form to include all the limitations from cancelled claim 1, and claim 21 has been rewritten in independent form to include all the limitations of cancelled claim 20.

Applicants believe the amendments made herein add no new matter. Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Drawing Objections

The drawings are objected to by the Examiner because reference numeral “246” in Fig. 15A does not have a lead line and there are two “265” reference numerals directed to different elements in Fig. 19. Fig. 15A has been amended to draw a lead line from “246” to the clutch disk and Fig. 19 has been amended to correctly label the end cap opening with the reference numeral “270” instead of “265”. Applicants submit that the amendments to Figs. 15A and 19 overcome the objection.

The drawings are objected to by the Examiner for failing to comply with 37 CFR 1.84(p)(4) because the reference numeral “132” has been used to designate both the impeller drive shaft and shell half and the reference numeral “134” has been used to designate both the brush drive shaft and shell half. Paragraph [0049] of the specification has been amended so that reference numeral “132” is used to designate the impeller drive shaft, “134” is used to designate the brush drive shaft, and “126, 128” are used to designate the shell halves. Applicants submit

that the amendments to paragraph [0049] are sufficient to overcome the objection and that no amendments to the drawings are necessary.

The drawings are objected to by the Examiner for failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference numeral “262”, which is mentioned in paragraph [0061] of the specification. Fig. 19 has been amended to include a reference numeral “262”, with a lead line drawn to the upper shell. Applicants submit that the amendment to Fig. 19 overcomes the objection.

Specification Objections

In the specification, the Abstract has been amended to eliminate the use of “comprises”. Paragraph [0049] has been amended so that the numbers “126, 128” are used consistently throughout when referring to the “housing shell halves” and to correct some typographical errors pointed out by the Examiner.

Claim Objections

Claims 2-17, 21-25 and 27-29 are objected to by the Examiner for the informality of using ‘A’ instead of ‘The’ to begin dependent claims. Claims 2-17, 21-25 and 27-29 have been amended to replace ‘A’ with ‘The’.

Claim Rejections-35 U.S.C. § 112

Claims 9-15 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed. The claims have been amended in accordance with the Examiner’s suggestions and are therefore believed to be in condition for allowance.

Claim Rejections-35 U.S.C. § 102

Claims 1, 16 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,784,755 to Karr et al. ("Karr"). This rejection is respectfully traversed. Claims 1 and 19 have been cancelled and therefore the rejection with respect to these claims is moot. Claim 2 has been rewritten in independent form including all of the limitations from cancelled claim 1, which the Examiner indicated would put claim 2 in condition for allowance. Claim 16 has been amended to depend from claim 2; therefore, claim 16 is patentable due to its direct dependency on claim 2.

Claims 1, 16, 19-20 and 24-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,609,269 to Kasper ("Kasper"). This rejection is respectfully traversed. Claims 1, 19 and 20 have been cancelled and therefore the rejection with respect to these claims is moot. As discussed above, claim 16 is patentable due to its direct dependency on claim 2. Claim 21 has been rewritten in independent form to include all of the limitations of cancelled claim 20, which the Examiner indicated would put claim 21 in condition for allowance. Claims 24-25 have been amended to depend from claim 21; therefore, claims 24-25 are patentable due to their direct dependency on claim 21.

Claim Rejections-35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over The Admitted State of the Prior Art as recited in the Preamble of the Jepson Claim ("ASPA") in view of Karr. The rejection is respectfully traversed. Claim 1 has been cancelled and therefore the rejection is moot.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over ASPA in view of U.S. Patent No. 6,397,429 to Legatt et al. ("Legatt"). The rejection is respectfully traversed. Claim 18 has been cancelled and therefore the rejection is moot.

Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over ASPA in view of U.S. Patent No. 6,347,428 to Shimko et al. ("Shimko"). This rejection is respectfully traversed. Claim 19 has been cancelled and therefore the rejection is moot.

Claims 1, 20 and 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ASPA in view of Kasper. The rejection is respectfully traversed. Claims 1 and 20 have been cancelled and therefore the rejection with respect to these claims is moot. As discussed above, claims 24-25 are patentable due to their direct dependency on claim 21.

Allowable Subject Matter

Applicants acknowledge with thanks the Examiner's determination of allowable subject matter in claims 26-29.

Claims 2-8, 17 and 21-23 are objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 2 has been amended to include all of the limitations of cancelled claim 1 and claim 21 has been amended to include all of the limitations of cancelled claim 20. Therefore, claims 2 and 21 are patentable. Claims 3-8 and 16-17 depend, directly or indirectly, from claim 2; therefore, claims 3-8 and 16-17 are also patentable. Claims 22-25 depend, directly or indirectly, from claim 21; therefore, claims 22-25 are also patentable. Applicants submit that claims 2-8, 16-17 and 21-25 are in condition for allowance.

The Examiner further indicated that claims 9-15 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 9-15 have been amended to overcome the 112 rejections, as set forth above, and claim 9 has been amended to include all of the limitations of claim 1 and is therefore patentable. Claims 10-15 depend, directly or indirectly, from claim 9; therefore, claims 10-15 are also patentable. Applicants submit that claims 9-15 are in condition for allowance.

Serial No. 10/707,212
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Page 16 of 16

Examiner: Theresa T. Snider
Group Art Unit: 1744

In view of the foregoing remarks and amendments, it is submitted that all of the claims are in condition for allowance. Early notification of allowability is respectfully requested.

Respectfully submitted,

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Annotated Sheet

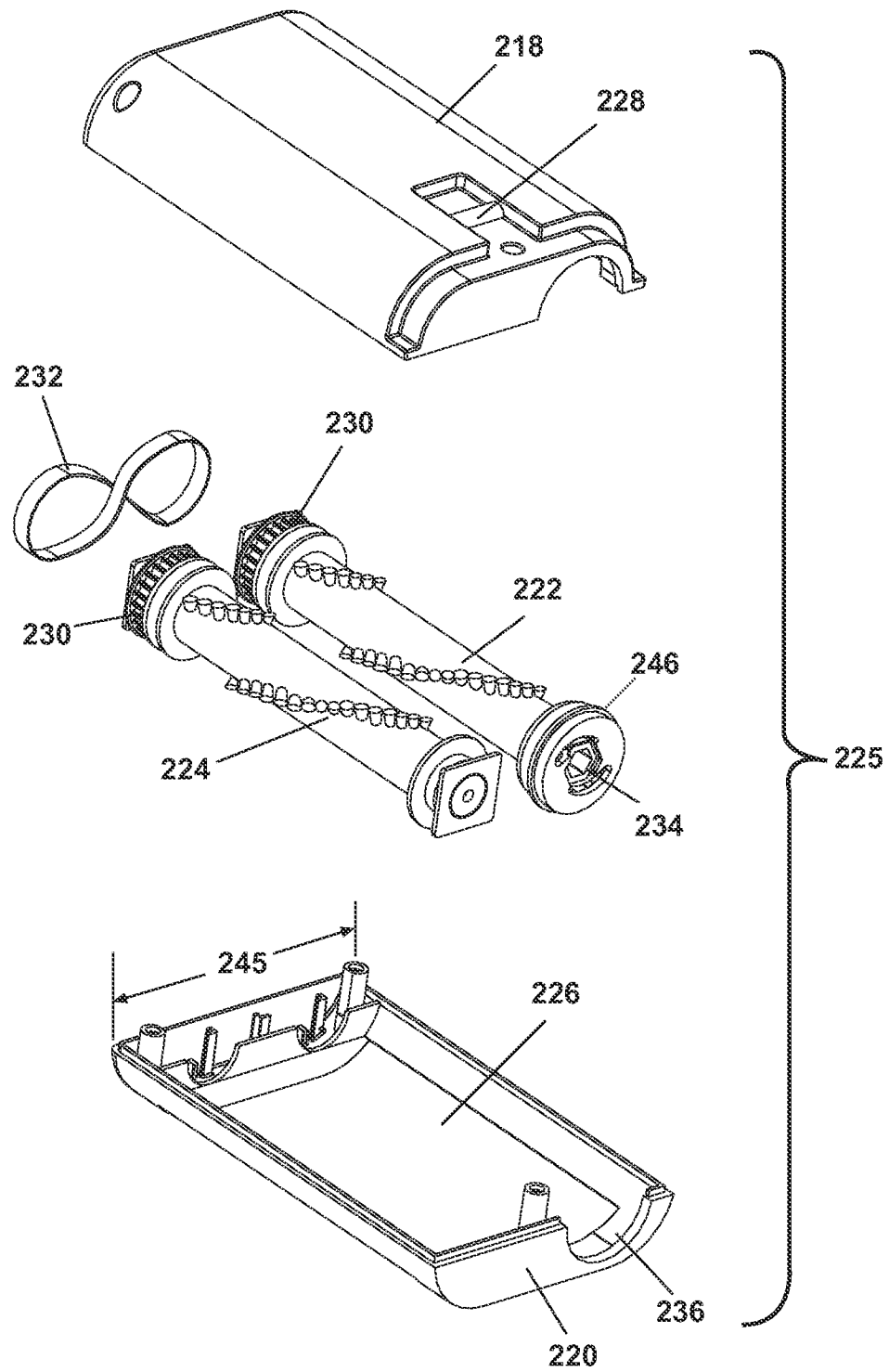


Fig. 15A